

FILED
U.S. CLERK'S OFFICE
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
DEC - 3 P 3:24

NATIONAL RAILROAD PASSENGER
CORPORATION,

Plaintiff,

v.

5,103 SQUARE FEET OF LAND,
LOCATED AT 40-46 HARVARD
STREET, SITUATED IN WESTWOOD,
MASSACHUSETTS; MORTIMER B.
ZUCKERMAN AND EDWARD H. LINDE,
TRUSTEES OF THE 40-46 HARVARD
STREET TRUST, OWNERS; AND
UNKNOWN OTHERS,

Defendants.

03 Civ.

03 - 12440 DPW

NOTICE OF CONDEMNATION

TO: Mortimer Zuckerman, Trustee of the
40-46 Harvard Street Trust
c/o Boston Properties, Inc.
800 Boylston Street, 28th Floor
Boston, MA 02199

Edward Linde, Trustee of the
40-46 Harvard Street Trust
c/o Boston Properties, Inc.
800 Boylston Street, 28th Floor
Boston, MA 02199

NOTICE is hereby given that on the 3 day of December, 2003, a Declaration of Taking
was filed with the Clerk of the United States District Court in Boston for the District of
Massachusetts in an action to condemn a permanent railroad easement over the property

described in Exhibit A of the Declaration of Taking, attached thereto and made a part thereof. A copy of the Complaint in Condemnation is attached as Exhibit A hereto.

The Property is located in the Town of Westwood, in the County of Norfolk, Commonwealth of Massachusetts.

This condemnation is necessary to support Amtrak's provision of intercity rail passenger transportation service.

The Authority for this condemnation is found in Section 305 (d) of the Rail Passenger Service Act, 49 U.S.C. § 24311. Pursuant to that statute, an interest is condemned and taken by the National Railroad Passenger Corporation ("Amtrak") for its use when a declaration of taking is filed under subsection (b) of § 24311 of Title 49 of the United States Code, and an amount of money estimated in the declaration as just compensation for the interest is deposited in the court. The sum of \$51,000 is estimated by Plaintiff to be just compensation for the permanent railroad easement taken. Title to the property condemned thereupon vests in the National Railroad Passenger Corporation pursuant to 49 U.S.C. § 24311 (b) (2).

You are further notified that if you have any objection or defense to the taking of the property in which you may have or claim some interest, you are required to serve upon Plaintiff's attorney at the address herein designated within twenty (20) days after service of this notice upon you, exclusive of the date of service, an answer identifying the property in which you claim to have an interest, stating all your objections and defenses to the taking of the property. The failure to so serve an answer shall constitute a consent to the taking and to the authority of the Court to proceed to hearing the action and fixing the just compensation and shall constitute a waiver of all defenses and objections not so presented.